

**Notice of Allowability**

Application No.

10/672,353

Examiner

Jessee Roe

Applicant(s)

IDE ET AL.

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Reply filed 12 March 2007.
2. ☒ The allowed claim(s) is/are 33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/622,681.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Terminal Disclaimer***

The terminal disclaimers filed on 12 March 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration dates of US Patent 5,882,493 and US Patent 6,652,806 has been reviewed and is accepted. The terminal disclaimers have been recorded.

### ***Status of Previous Rejections***

The previous rejection of claim 33 under 35 U.S.C. 102(e) as being anticipated by Iwasaki (US 5,882,493) was overcome by the filing of the Declaration under 37 CFR 1.132 and the Statement Concerning Common Ownership filed on 12 March 2007 showing that the invention was derived from the inventor of this application and was not an invention "by another".

### ***Allowable Subject Matter***

Claim 33 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art, based on an effective filing date of 12 December 1995, does not teach or fairly suggest a method of producing a sputtering target wherein a mixture of tellurium, indium and silver would form a solid lump; the solid lump would be pulverized and mixed with antimony; and the antimony, tellurium, indium, and silver mixture would undergo further sintering.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears on the following pages.

Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

### ABSTRACT OF THE DISCLOSURE

A sputtering target contains a target material including as constituent elements Ag, In, Te and Sb with the respective atomic percents (atom.%) of  $\alpha$ ,  $\beta$ ,  $\gamma$  and  $\delta$  thereof being in the relationship of  $0.5 \leq \alpha < 8$ ,  $5 \leq \beta \leq 23$ ,  $17 \leq \gamma \leq 38$ ,  $32 \leq \delta \leq 73$ ,  $\alpha \leq \beta$ , and  $\alpha + \beta + \gamma + \delta = 100$ , and a method of producing the above sputtering target is provided. ~~An optical recording medium includes a recording layer containing a phase change recording material which includes as constituent elements Ag, In, Te and Sb with the respective atomic percents of  $\alpha$ ,  $\beta$ ,  $\gamma$  and  $\delta$  thereof being in the relationship of  $1 \leq \alpha < 6$ ,  $7 \leq \beta \leq 20$ ,  $20 \leq \gamma \leq 35$ ,  $35 \leq \delta \leq 70$ , and  $\alpha + \beta + \gamma + \delta = 100$ , and is capable of recording and erasing information by utilizing the phase change of the recording material in the recording layer. A method of forming the above recording layer for the optical recording medium is also provided. In addition, there is provided an optical recording method using the above-mentioned phase change optical recording medium.~~

**SPECIFICATION AMENDMENTS**

Page 1, Replace the title with --METHOD OF PRODUCING A  
SPUTTERING TARGET--.

Page 1, between the title and "**BACKGROUND OF THE INVENTION**"  
insert the following:

**--CROSS REFERENCE TO RELATED APPLICATIONS**

--This application is a continuation of application No. 09/956,637 filed  
September 19, 2001, (now U.S. Patent No. 6,652,806), which is a division of  
application No. 08/979,293 filed November 26, 1997 (now U.S. Patent No.  
6,319,368), which is a division of application ~~Serial~~ No. 08/622, 681 filed March  
26, 1996 (now U.S. Patent No. 5,736,657). --

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessee Roe whose telephone number is (571) 272-5938. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JR

ROY KING  
SUPERVISORY PATENT EXAMINER  
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